

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

JAMES HACKWORTH,

Plaintiff,

-VS-

Case No: 10-cv-1414

CSX TRANSPORTATION, INC.,

Defendant.

PLAINTIFF'S STATUS REPORT

As the Court is aware, the parties reached a settlement of this cause on September 21, 2011 with the assistance of Magistrate Armstrong. Judge Armstrong's standard minute order stated that settlement documents were to be submitted within thirty days.

Since the date of the settlement, Plaintiff's counsel has been diligently attempting to obtain a waiver of the lien claimed by the Railroad Retirement Board. A letter was sent to the RRB on September 23, 2011 to which the RRB responded on September 28, 2011 advising that additional information was required before a waiver would be considered. That information was obtained and furnished to the RRB on October 14, 2011. Plaintiff's counsel is currently awaiting the RRB's reply to that letter.

Because the precise amount of the RRB lien must be known before the settlement documents are prepared, the parties do not anticipate submitting their settlement documents (eg., stipulation for dismissal) to the Court by October 21, 2011. It is, however, anticipated that the settlement documents will be submitted on or before November 18, 2011.

O'BRYAN BAUN KARAMANIAN

/s/ Kirk E. Karamanian

Dennis M. O'Bryan (0063787)
Attorneys for Plaintiff
401 S. Old Woodward, Suite 450
Birmingham, MI 48009
(248) 258-6262
(248) 258-6047 - fax
dob@obryanlaw.net

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 20th day of October, 2011 the foregoing was filed using the Court's ECF Filing System and will be served on counsel of record via the Court's ECF System.

/s/ Kirk E. Karamanian

Kirk E. Karamanian